REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 37, 38, 41, 42, 44, 45 and 47 are pending in the subject application.

Claims 1-36, 39, 40, 43 and 46 were previously canceled.

Claims 37, 38, 41, 42, 44, 45 and 47 stand rejected under 35 U.S.C. §101, 35 U.S.C. §112, second paragraph and/or 35 U.S.C. §103.

Claims 37, 38, 41, 42, and 44 are amended in the foregoing amendment. Also, claims 43 and 46 were canceled in the foregoing amendment without prejudice or disclaimer.

Claims 37 and 38 were amended as suggested by the Examiner.

Claim 41 was amended as suggested by the Examiner.

Claim 44 was amended to be consistent with language of the claim 37.

Claims 48 and 49 were added, these claims are directed to embodiments described in the arguments but asserted in the Office Action as not being found in the language of the claims.

The amendments to the claims are supported by the originally filed disclosure.

35 U.S.C. §101 REJECTIONS

Claim 41 stands rejected under 35 U.S.C. §101 for the reasons provided on pages 6-7 of the above referenced Office Action.

As indicated above, claim 41 was amended as suggested by the Examiner to provide that the computer readable storage medium is non-transitory. Thus, Applicants believe that the grounds for rejection have been addressed.

It is respectfully submitted that for the foregoing reasons, claim 41 satisfies the requirements of 35 U.S.C. §101. Therefore, this claim is allowable.

35 U.S.C. §112 REJECTIONS

Claims 41-42 stand rejected under U.S.C. §112, second paragraph for the reasons provided on pages 7-8 of the above referenced Office Action.

As to claim 41, this claim has been amended to provide that the content is configured and arranged so as to include an installation instruction to be supplied to the recording and reproducing apparatus of claim 37. The claim was further amended to provide "whereby a processing unit of the recording and reproducing apparatus instructs an installation processing unit to install based on the installation instruction from the content that is reproduced or executed by the processing unit" as is also provided in claim 37.

As to claims 41 and 42, Applicants would further direct the Examiner's attention to Figures 1 and 4 of the subject application and in particular the discussion related to Fig. 4 as provided in the below excerpt. As described in the subject application, Fig. 4 shows that the processing unit 11 includes that an application executing unit 11a, an installation processing unit 11b and a load processing unit 11c.

As further described, the application executed in the application executing unit 11a can access the content (AV data or application programs) recorded in the recording medium 20a, 20b, the external recording medium 16 and can perform recording into the external recording medium 16. The application also can issue an instruction to the installation processing unit 11b and the load processing unit 11c.

As further described, the installation processing unit 11b accepts the installation instruction from the content to execute the installation process. Also, the load processing unit 11c accepts the load instruction from the content to execute the load process. Therefore, at the time of the installation process, the content cannot directly access the external recording medium

16 and the recording medium 20b and at the time of the load process, the content cannot directly access the external recording medium and the recording medium.

> Fig. 4 is a block diagram for describing a detailed configuration example of a processing unit 11 shown in Fig. 1 and the processing unit 11 includes an application executing unit 11a, an installation processing unit 11b, a load processing unit 11c, and a memory 11d. Recording medium 20a, 20b may be different recording portions included in the recorder 20 shown in Fig. 1 or may be independent recording medium. The processing unit 11 can access the external recording medium 16 or the server connected to the network 17 (hereinafter, represented by the external recording medium 16). In this embodiment, each interface shown in Fig. 1 is omitted.
> [0080]
> In Fig. 4, the application executed in the application executing unit 11a can access the content (AV data or application programs) recorded in the recording medium 20a, 20b, the external recording medium 16 basically and can perform recording into the external recording medium 16. The application can issue an instruction to the installation processing unit 11b and the load processing unit 11c.
> [0081]
> The installation processing unit 11b can read the content recorded in the external recording medium 16 and write the content to the recording medium 20b. The installation processing unit 11b can delete the content recorded in the recording medium 20b. The installation processing unit 11b accepts the installation instruction from the content to execute the installation process. Therefore, at the time of the installation process, the content cannot directly access the external recording medium 16 and the recording medium 20b.
> [0082]
> The load processing unit 11c can read the content from the external recording medium 16 or the recording medium 20b and write the content to the memory 11d. The load processing unit 11c accepts the load instruction from the content to execute the load process. Therefore, at the time of the load process, the content cannot directly access the external recording medium 16 and the recording medium 20b.
> [0083]
> The memory 11d stores only the contents written by the load processing unit 11c. The contents are the application executed by the application executing unit 11a, and the variables, etc. used by the application are not stored in this area. This application cannot refer to data stored in the memory 11d.

> [0084]
> Some application programs (or AV data, hereinafter, represented by the application programs) can copy the data recorded in the external recording medium 16 to the recording media 20a, 20b or other external recording media. The creator or provider of the data recorded in the external recording medium 16 may not want the data to be copied and may not admit the legitimacy of the copying. Description will be made of a method of evaluating the reliability of the application program to constrain access depending on the reliability in consideration of the presence of the application program that executes such unauthorized copying.
> [0085]

Applicants believe that Figs. 1 and 4 and the foregoing discussion regarding Fig. 4, shows an installation instruction that allows a computer to act as the apparatus of claim 37 as set forth in claim 41 or a computer program being configured and arranged so as to cause the computer on which the program is being executed, to execute the file accessing method of claim 38 as set forth in claim 42.

Therefore, Applicants believe that the foregoing addresses the rejection as to claims 41 and 42.

It is respectfully submitted that for the foregoing reasons, claims 41-42 satisfy the requirements of 35 U.S.C. §112. Therefore, these claims are allowable.

35 U.S.C. §103 REJECTIONS

The Examiner rejected claims 37-38, 41-42, 44-45 and 47 under 35 U.S.C. §103 as being unpatentable over Uchikoga [US Pub. No. US 2001/0005447] in view of Cheng [USP 7,096,491]. Applicants respectfully traverse as discussed below.

Because claims were amended in the foregoing amendment, the following discussion refers to the language of the amended claims. However, only those amended features specifically relied upon to distinguish the claimed invention from the cited prior art shall be considered as being made to overcome the cited reference.

As indicated above claim 37 was amended as suggested buy the examiner to provide that "the processing unit is configured so as to *automatically* add access constraints to the recorded content that can be reproduced or executed by the recording and reproducing apparatus, the access constraints being *automatically* established for controlling access by the content during said reproducing or executing to local resources of the recording and reproducing apparatus based on the process of the content." As also indicated above, claim 38 was similarly amended so as to embody such automatic creation of access constraints language.

Thus, Applicants believe that at least in view of these amendments to claims 37 and 38, claims 37 and 38 are patentable over the cited combination of references.

As previously indicated by Applicants, Uchikoga is directed to controlling access to the content to be played back so that there is no copying of an altered or unauthorized copy of content to the device. In other words, Uchikoga is concerned with preventing copying of an unauthorized copy or an altered copy of content to be played back. Uchikoga does not describe a configuration that is capable of executing contents of an external recording medium and a recording unit in a common processing unit.

Uchikoga does describe various processes so that an unauthorized user cannot gain access to the copied content (*e.g.*, blocks access to any adult content) or so that expired content cannot be accessed by an authorized user (*e.g.*, a temporal limit on the ability to access the content, like a rental). However, Uchikoga does not anywhere describe a process or methodology where the content being executed is controlled by a processing unit so as to thereby limit if not block the content's ability to access other local resources. The paragraphs describing the blocking of access in Uchikoga are as indicated above, describing methods and processes for limiting one's access to copy content or to playing back content under certain circumstances (*e.g.*, expired access).

In the above-reference Office Action it is asserted that Cheng in particular Fig. 1 thereof, describes downloading application or data to the user's computer for running on the user's computer (see page 4 of the Office Action). More specifically, it asserted that Application 232 is downloaded from Provider 230 and then is used by User 220.

What is described in Cheng, however, is that the Service Provider sends (step 110, Fig. 2) Application 232 to the ASP 210 during a submission process, where it maybe stored in the application store 224.

The user may access the Application 232, by subscribing (step 120, Fig. 2) to it through the ASP 210. During the subscription process (step 120, Fig. 2) , the user gives the application 232 privileges as desired by the user 220. The privileges may enable the Application 232 to perform certain functions, for example, to read or write data from or to a file. The privileges may also allow the Application 232 to access local resources 218 that are hosted by the ASP but owned by the user 220. Such privileges are stored as subscription information 226 by the ASP 210 in the subscription database 222.

At run time, the Application 232, is executed (step 130, Fig. 2) by the ASP 210, within a controlled run-time environment that runs the Application 232 according to the privileges granted in the subscription process (step 120, Fig. 2). The execution is performed by the User as indicated by the dashed arrow. See Figs. 1-2 and discussion in col. 3, l. 44 - col. 2, l. 13 of Cheng.

In sum, in Cheng the Application 232 is only sent to the ASP (it is not sent to the User 220). The User 220 must subscribe to use of the Application 232 in the ASP before the User can access the ASP available application. As further described, information is uploaded from the User 220 to the ASP for use in running the application on the ASP. Such information can be stored in the ASP. When it is time to run the Application 232, the Application again is not downloaded to the User 220 but rather is run on the ASP according to the privileges and other information/data uploaded to the ASP.

Therefore, Cheng teaches locating and executing an application remote from the computer of the User. In contrast to Cheng, Uchikoga is directed to controlling access to the content to be played back so that there is no copying of an altered or unauthorized copy of content to the device. In other words, the primary and secondary references involve different application environments, local execution of an application (Uchikoga) and remote execution of an application (such as that found in an application service provider environment). At least for this further reason claim 37 is believed to be allowable.

Furthermore and as set forth in claim 37, the processing unit is configured so as to automatically add access constraints to the recorded content that can be reproduced or executed by the recording and reproducing apparatus, the access constraints being automatically established for controlling access by the content during said reproducing or executing to local resources of the recording and reproducing apparatus based on the process of the content. As indicated in above discussion concerning Cheng, the privileges are not stored with the recorded content (*e.g.*, application to be executed) but rather are separately stored in a privileges database. Thus, for this further reason claim 37 is believed to be allowable.

Applicant respectfully submits that the above remarks distinguishing claim 37 from the identified combination of references also at least applies to distinguish the file accessing method of claim 38, the non-transitory computer readable storage medium of claim 41 and the computer of claim 42 from the identified combination of references. This shall not be considered an admission that claims 38, 41 and 42 are not otherwise patentable over the identified combination of references.

As to claims 44, 45, and 47, each of these claims depends (directly or ultimately) from one of claims 37 or 38. Thus, each of claims 44, 45 and 47 is considered to be allowable at least because of their dependency from an allowable base claim. This shall not be considered an admission that these claims are not otherwise patentable over the identified combination of references.

As to claims 44 and 48, as further provided in these claims, the access constraints are automatically added during installation (both claims 44 and 48) and more specifically when the content is being downloaded to the recording unit (claim 48). No such description or teaching is offered by the identified combination of references.

CLAIMS 48-49

As indicated above, added claims 48 and 49 are directed to embodiments described in the arguments of the prior response but asserted in the Office Action as not being found in the language of the claims. It is respectfully submitted that the added claims are patentable over the cited prior art on which the above-described rejection(s) are based.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Although claims were added to the subject application, Applicants believe that additional fees are not required. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65213(71117).

Respectfully submitted,
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/ William J. Daley, Jr. /

Date: May 26, 2011 By: _____

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